

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

CHRISTIAN IRIZARRY et al.

20 Cr. 127 (GHW)

**Protective Order**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/26/2021

Gregory H. Woods, District Judge:

WHEREAS, the defendants, through their counsel, have sought certain materials from the Government, including materials pursuant to Federal Rule of Criminal Procedure 16 (“Rule 16”), which (1) contain and/or reflect personal identification information (including but not limited to names, addresses, phone numbers, email addresses, social security numbers, dates of birth, and/or account numbers) and/or other highly personal information (collectively, “Personal Information”); and (2) contain other highly sensitive material (the “Sensitive Information”);

WHEREAS, the Government seeks, pursuant to Rule 16(d)(1), to protect the confidential information in the materials it produces, including the Personal Information and the Sensitive Information;

IT IS HEREBY ORDERED:

1. Material produced by the Government in this action that contains and/or reflects Personal Information or Sensitive Information may be designated as “Confidential Material” by labeling the material “Confidential Material.”

2. Confidential Material disclosed to each defendant’s counsel (“Counsel”) during the course of proceedings in this action:

(a) Shall be used by Counsel only for purposes of this action;

- (b) Shall be kept in the sole possession of Counsel;
- (c) Shall not be reviewed or maintained by the defendant outside the presence of his/her Counsel;
- (d) Shall not be copied or otherwise recorded by the defendant;
- (e) Shall not be disseminated or disclosed in any form by the defendant or Counsel, except as set forth in paragraphs 2(f), 5, and 6 below;
- (f) May be disclosed only by Counsel and only to the following Designated Persons:
  - (i) Co-Counsel;
  - (ii) Investigative, secretarial, clerical, paralegal, and student personnel employed full-time or part-time by the defendant's Counsel;
  - (iii) Independent expert witnesses, investigators, or expert advisors retained by the defendant or on his/her behalf in connection with this action;
  - (iii) Such other persons as hereafter may be authorized by the Court upon such motion by the defendant; and
- (g) Shall be returned to the Government following the conclusion of this case or upon order of the Court, whichever occurs first, together with any and all copies thereof, or shall be destroyed together with any and all copies thereof and each Counsel shall verify such destruction in writing.

3. Material produced by the Government in this action that contains and/or reflects Personal Information or Sensitive Information may also be designated as "Highly Confidential Material" by labeling the material "Highly Confidential Material."

4. Highly Confidential Material disclosed to Counsel during the course of the proceedings in this action:

- (a) Shall be used by Counsel only for the purposes of this action;
- (b) Shall be kept in the sole possession of Counsel;
- (c) Shall not be reviewed or maintained by any defendant and any

Personal Information or Sensitive Information contained within the Highly Confidential Material shall not be disclosed to the defendant;

- (d) Shall not be copied or otherwise recorded by Counsel;
- (e) Shall not be disclosed in any form by Counsel except as set forth in

paragraphs 4(f), 5 and 6 below;

- (f) May be disclosed only by Counsel and only to the following

Designated Persons:

- (i) Co-Counsel;
- (ii) Investigative, secretarial, clerical, paralegal, and student personnel employed full-time or part-time by the defendant's Counsel;
- (iii) Independent expert witnesses, investigators, or expert advisors retained by the defendant or on his/her behalf in connection with this action;
- (iii) Such other persons as hereafter may be authorized by the Court upon such motion by the defendant; and

(g) Shall be returned to the Government following the conclusion of this case or upon order of the Court, whichever occurs first, together with any and all copies thereof, or shall be destroyed together with any and all copies thereof and Counsel shall verify such

destruction in writing.


5. No persons shall be provided, shown, or read the contents of any materials produced pursuant to the terms of this Order, and labeled as “Confidential Material,” or “Highly Confidential Material,” or any copy thereof, unless and until they have been provided with a copy of this Order and certify under oath and in writing that they will comply with its terms. The defense shall maintain a record of all such persons and certifications.

6. Counsel shall not attach any materials produced pursuant to the terms of this Order to any public filings with the Court or publicly disclose such materials, or their contents in any other manner, without prior notice to the Government and explicit approval by the Government. If Counsel and the Government cannot agree on the manner in which the materials or their contents may be publicly disclosed, the parties shall seek resolution of such disagreements by the Court.

7. Except as limited in paragraphs 2(f), 4(f), 5, and 6, the provisions of this Order shall not be construed as preventing the disclosure of any information by the Government or the defense in any motion, hearing, trial, or sentencing proceeding held in this action or to any judge or magistrate judge of this Court for purposes of this action.

SO ORDERED:

Dated: New York, New York  
October 26, 2021

  
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THE HONORABLE GREGORY H. WOODS  
UNITED STATES DISTRICT JUDGE